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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

RIVER CITY MEDIA, LLC, et al.,

Plaintiffs,

v.

KROMTECH ALLIANCE
CORPORATION, et al.,

Defendants.

Case No. 2:17-cv-00105-SAB

**DECLARATION OF LEEOR NETA
IN SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL**

With Oral Argument

Date: March 15, 2018

Time: 2:30 p.m.

Spokane, Washington

I, Leeor Neta, make the following declaration based upon my own personal knowledge:

1. I am an attorney representing Plaintiffs in this matter, over the age of 18, competent to testify in this action, and make this declaration from personal knowledge.

2. Plaintiffs served their first set of discovery on October 30, 2017. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiffs' First Set of Requests for Production and Interrogators to CXO, and CXO's Responses thereto.

3. On November 28, 2017, Defendant CXO served their responses to Plaintiffs' first set of interrogatories and requests for production, stating that they

1 would not produce documents or respond to certain interrogatories necessary for
2 Plaintiffs' First Amended Complaint without a protective order.

3 4. On December 15, 2017, I sent a letter requesting a meet and confer
4 teleconference regarding CXO's and IDG's deficient discovery responses. CXO
5 and IDG did not respond. Attached hereto as **Exhibit B** is a true and correct copy
6 of Plaintiffs' December 15 letter.

7 5. On December 21, 2017, I sent a letter requesting a meet and confer
8 teleconference regarding Defendant Kromtech's deficient discovery responses.

9 6. Over the next few weeks, which included the Christmas and New Year's
10 holidays, the parties conferred about, negotiated, prepared for, and conducted the
11 deposition of Plaintiff Matthew Ferris. Plaintiffs also proceeded with third-party
12 discovery.

13 7. On December 28, 2017, Counsel for Plaintiffs requested a response
14 from Counsel for CXO to the December 15 meet and confer letter. Attached hereto
15 as **Exhibit C** is a true and correct copy of Plaintiffs' December 28 email to counsel
16 for CXO.

17 8. This teleconference between Plaintiffs' and CXO's counsel took place
18 on January 2, 2018.

19 9. On January 4, 2018, Kromtech stated that it would not produce
20 documents without a protective order. Attached as **Exhibit D** is a true and correct
21 copy of the correspondence sent by Matthew Brown.

22 10. On January 31, 2018, Kromtech produced 3,985 pages in response to
23 Plaintiffs' discovery requests. CXO produced no supplemental documents or
24 responses. Attached as **Exhibit E** is a true and correct copy of the January 31, 2018
25 email from counsel for Kromtech to counsel for Plaintiffs.

26 11. On Tuesday, February 6, 2018, at approximately 2:00 PM PST, CXO
27 and IDG produced documents in response to Plaintiffs' requests for production.
28 Attached as **Exhibit F** is a true and correct copy of the February 6, 2018 electronic

1 correspondence from counsel for CXO and IDG to counsel for Plaintiffs verifying
2 the transmission of documents.

3 12. On February 7, 2018, at 10:36 a.m. PST, CXO served responses to
4 Plaintiffs' Interrogatories number 3 and 5. Attached as **Exhibit G** is a true and
5 correct copy of the transmittal email from CXO's counsel.

6 13. After reviewing CXO's inadequate document production, on February 7,
7 2018, Plaintiffs sought a stipulation to extend the Amended Pleadings deadline but
8 counsel for Defendants IDG and CXO refused. Attached as **Exhibit H** is a true
9 correct copy of the email sent by Samantha Everett of Newman Du Wors, counsel
10 for Plaintiffs, requesting an extension of the Amended Pleadings deadline.

11 14. That night, I sent a letter to Counsel for CXO and IDG, detailing CXO's
12 discovery deficiencies and requesting a meet and confer teleconference. Attached
13 as **Exhibit I** is a true and correct copy of my February 7, 2018 letter to Counsel for
14 CXO and IDG.

15 15. Counsel for CXO responded on February 8, 2018. Attached as **Exhibit J**
16 true and correct copy of Counsel for CXO's February 8 letter.

17 16. Counsel met and conferred via teleconference during the morning of
18 February 8 regarding Plaintiffs' Motion for an Extension of Deadline for Motion to
19 Amend, Defendants' deficient discovery responses, and Plaintiffs' intention to file
20 a motion to compel.

21 17. Counsel for IDG and CXO agreed that all meet and confer efforts had
22 been exhausted and Plaintiffs' were free to request relief from the court.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed this 9th day of February, 2018 at San Francisco, California.

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28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 9, 2018, I electronically filed the foregoing
3 with the Clerk of Court using the CM/ECF system, which will send a notification
4 of such filing (NEF) to the following:

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6 and Steve Ragan**

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23 I declare under penalty of perjury that the foregoing is true and correct.

24 
25 Arlyne Sorrells
26 Paralegal
27
28